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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/718,610

11/24/2003

Jan Alfons Albert Bouwen

Q78296

1688

23373 7590 11/27/2007
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EXAMINER

PASIA, REDENTOR M

ART UNIT

PAPER NUMBER

2616

MAIL DATE

DELIVERY MODE

11/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/718,610	BOUWEN, JAN ALFONS ALBERT	
	Examiner	Art Unit	
	Redentor M. Pasia	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/24/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Response to Amendment

Applicant's amendment filed on September 20, 2007 has been entered. Claims 1-9 have been amended. Claim 10 was cancelled. Claim 11 has been added. Claims 1-9 and 11 are still pending, with claims 1, 7, 8, 9 and 11 being independent.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 7-9, 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Kung et al. (US 2003/0133558; hereinafter Kung).

As to claim 1, Kung shows a system (Figure 1, 2) for exchanging voice-packets via an Internet Protocol (Par. 0028; analog voice may be converted to digital data and packetized for transmission in an appropriate output protocol such as an Internet protocol (IP).), the system comprising a first terminal (Figure 1, terminals 142; Figure 2-3; Figure 6, BRG 300A) for transmitting said voice-packets via a network (Par. 0028; analog voice may be converted to digital data and packetized for transmission in an appropriate output protocol such as an Internet protocol (IP).) to a second terminal (Figure 1, terminals 142; Figure 2-3; Figure 6, BRG 300A) for receiving said voice-packets, which voice-packets form part of a call (Par. 0086-0088; multiple broadband residential gateways 300 may be configured through, for example, IP tunneling, to set-up an intercom connection between multiple remote broadband residential gateways 300; the intercom module 344 may also configure intercom services for video conferencing; Par. 0062, provide IP voice packets during an IP telephony or multimedia session call.), wherein said network comprises a storage-station (Figure 1, 2, 6; IP Central Station 200; Par. 0044; The servers in Figure 2 can be incorporated into a single server. This interpretation will be applied for the remainder of the office action.) for storing information to be supplied during said call to said second terminal (Figure 2; Par. 0051; may store and send announcements to specified destinations (Broadband Residential Gateways 300) and/or all destinations based on instructions received by the

call manager server 218.) in the form of at least one data-packet via the Internet Protocol (Par. 0052; announcements may be generated elsewhere in the broadband network 1, stored as files, and distributed to one or more announcement servers via a file transfer protocol or resource such as the trivial file server 214 using one or more file transfer protocols. The announcement may have an audio component and/or an audio/video component.) in response to at least one trigger-packet originating from said first terminal via the Internet Protocol (Figure 6; Par. 0051, 0058; announcement server 220 receives control messages from the call manager 218; the call manager 218 is configured to utilize signaling messages for example, Radius control messages to and/or from the broadband residential gateways 300).

As to claim 2, Kung shows that said voice-packets comprise at least audio (Par. 0028; analog voice may be converted to digital data and packetized for transmission in an appropriate output protocol such as an Internet Protocol.), with said data-packet comprising at least video (Par. 0052; The announcement may have an audio component and/or a audio/video component.).

As to claim 3, this claim is rejected using the same reasoning set forth in the rejection of claim 1.

As to claim 4, Kung shows that said information comprises information-parts (Par. 0052; The announcement may have an audio component and/or a audio/video component. Par. 0053-0054; shows that the announcement server enhances user experience by having different options for the user calling the called party.), with said trigger-packet (Figure 6; Par. 0051, 0058; announcement server 220 receives control messages from the call manager 218; the call manager 218 is configured to utilize signaling messages for example, Radius control messages to and/or from the broadband residential gateways 300) comprising an indication for selecting at least one information-part to be supplied during said call to said second terminal (Figure 6-7; Par. 0161-0163; the BRG 300 notifies the subscriber of the incoming call at step S740. The BRG 300 can insert a notifier into the ongoing call to alert the subscriber that an incoming call has been received. Traditionally, a tone has been used to alert a called party of incoming call during an ongoing call; Illustrative visual indications may include a simple text message, the display of an icon, or a flashing message. Also, a visual message may be coupled with a periodic audio message, such as a tone or voice message. Visual and/or audio messages may also identify the calling party or service type (fax, data, voice, etc.) allowing the subscriber to more effectively manage their incoming calls.).

As to claims 7-9, and 11, these claims are rejected using the same reasoning set forth in the rejection of claim 1. Claim 1, shows the system that implements the method that anticipates the claimed method of claim 11.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kung et al. (US 2003/0133558; hereinafter Kung) in view of Girard (US 2002/0176404; hereinafter Girard).

As to claim 5, Kung shows that said second terminal in response to said trigger-packet generating a further trigger-packet (Figure 6) to be sent during said call to said storage-station via the Internet Protocol (Figure 6-7; Par. 0161-0163; BRG 300 determines whether the subscriber desires to answer the incoming call at step S750. The subscriber may enter a code to place the ongoing call onto the call waiting queue and answer the incoming call, the subscriber may terminate the ongoing call and

answer the incoming call or the subscriber may ignore the notifier and allow the incoming call to be placed on the call queue.). However, Kung does not explicitly show that said trigger-packet is sent from said first terminal to said second terminal.

Girard shows that said trigger-packet is sent from said first terminal to said second terminal (Figure 10, Par. 0239; As depicted in FIG. 10 for the EDGE SWITCH [1] labeled A (originating the call in this case), SIP call signaling occurs directly to the EDGE SWITCH [1] labeled B (as indicated by [3]); Par. 0268; the EDGE SWITCH converts analog electrical (and potentially digital) telephone device-level signaling and voice transmission conventions to and from IP packets containing SIP network signaling information and digitally-encoded voice. In the case of SET-TOP BOXES [4], it is assumed that device signaling information and media content are already digitally-encoded in IP packets and that SET-TOP BOXES [4] natively support SIP network signaling; Par. 0085, The EDGE SWITCH operates as a MEDIA GATEWAY to the extent that it is able to present POTS or other types of non-SIP telephones (connected through its LINE interface) to the network as SIP network signaling endpoints. The EDGE SWITCH provides necessary terminal adaptation as necessary for the conversion of device signaling and bearer channel content at the LINE interface to/from SIP network signaling and RTP voice transmission conventions required by the ESN.). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Kung to have the direct communication of switches/gateways of Girard in order to simplify the communication between terminals.

As to claim 6, modified Kung shows said information comprises information-parts (Kung: Par. 0052; The announcement may have an audio component and/or a audio/video component. Par. 0053-0054; shows that the announcement server enhances user experience by having different options for the user calling the called party.), with said trigger-packet and said further trigger-packet comprising an indication for selecting at least one information-part to be supplied during said call to said second terminal (Kung: Figure 6-7; Par. 0161-0163; the BRG 300 notifies the subscriber of the incoming call at step S740. The BRG 300 can insert a notifier into the ongoing call to alert the subscriber that an incoming call has been received. Traditionally, a tone has been used to alert a called party of incoming call during an ongoing call; Illustrative visual indications may include a simple text message, the display of an icon, or a flashing message. Also, a visual message may be coupled with a periodic audio message, such as a tone or voice message. Visual and/or audio messages may also identify the calling party or service type (fax, data, voice, etc.) allowing the subscriber to more effectively manage their incoming calls. BRG 300 determines whether the subscriber desires to answer the incoming call at step S750. The subscriber may enter a code to place the ongoing call onto the call waiting queue and answer the incoming call, the subscriber may terminate the ongoing call and answer the incoming call or the subscriber may ignore the notifier and allow the incoming call to be placed on the call queue.).

Response to Arguments

Applicant's arguments, see Applicant's Arguments/Remarks, pages 9-12, filed September 17, 2007, with respect to the rejection(s) of claim(s) 1-10 under Cave et al. (US 2001/0005372 A1) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of:

Claims 1-4, 7-9, 11 rejected under Kung et al. (US 2003/0133558 A1).

Claims 5-6 rejected under Kung et al. (US 2003/0133558 A1) in view of Girard (US 2002//0176404).

Proper rejection was used as noted above. Please refer to the claim rejections.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cave et al. (US 2001/0005372 A1) – note abstract;

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Redentor M. Pasia whose telephone number is 571-272-9745. The examiner can normally be reached on M-F 7:30am to 4:00pm EST.

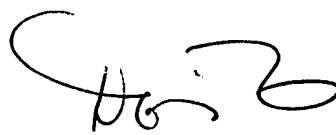
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris H. To can be reached on (571)272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Redentor Pasia


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